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EXAMINER

HALIM, SAHERA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/067,297	Applicant(s) WATANABE ET AL.	
	Examiner SAHERA HALIM	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-25,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-24, and 29-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Amendment filled on December 12, 2008.
2. Claims 1, 2, 4-24, 29 and 30 are presented for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4-24, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch US Patent No. 6,487,600 (hereinafter Lynch) in view of Yau et al., US Patent Publication No. 2002/0066026 (hereinafter Yau). Lynch teaches the application as claimed including system and method for supporting multimedia communication (see abstract). Yau teaches sending files through the Internet to an unlimited number of recipient using a personal computer and peer-to-peer computing.

As per claims 1, 22, 23 and 24, Lynch teaches an information-distribution method, device, computer readable recording medium, and computer product utilized by a system including a plurality of user terminals and a computer connected to user terminals via a network, the information-distribution method including:

Art Unit: 2457

accepting, from any of the user terminals designation of at least one other user terminal among the user terminals, by the computer (a network friend; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51);

storing, by the computer, a buddy list in which at least one identifier identifying a user terminal is correlated with at least one other user terminal designated in said accepting designation (a network member; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51; column 15, lines 6-56; Figure 8, Figure 12);

accepting, by the computer, from a source user terminal among the user terminals, a distribution content to be distributed (network member is authenticated; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51); and a distribution condition according to which the distribution content is distributed, the distribution condition including a stop condition (a network friend setting distribution rules; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51, and back off rules including an expiration time; column 7, lines 46-50, lines 61-64; column 8, lines 15-26; column 26, lines 1-5);

Lynch fails to teach determining, by the computer, one or more primary destination user terminals to which the distribution content will be distributed, the primary destination user terminals being selected from user terminals whose identifiers are correlatively stored with the identifier of the source terminal in the buddy list, in accordance with the distribution condition

Art Unit: 2457

transmitting, by the computer, the distribution content to the one or more primary destination user terminals until the stop condition is satisfied, by any recipient user terminal that has received the distribution content including any of the primary destination terminals, determining one or more destination user terminals to which the distribution content will be distributed, the one or more destination user terminals being selected from user terminals in a buddy list of the recipient user terminals, in accordance with the distribution condition, and transmitting the distribution content from the recipient user terminal to the one or more destination terminal.

However, Yau teaches determining, by the computer, one or more primary destination user terminals (par. 0022, client 54) to which the distribution content will be distributed, the primary destination user terminals being selected from user terminals whose identifiers are correlatively stored with the identifier of the source terminal in the buddy list, in accordance with the distribution condition (see par. 0021; the message include instructions commanding the client 54 to subsequently send the retrieved data to two of the client 65, 60)

transmitting, by the computer, the distribution content to the one or more primary destination (par. 0022, client 54) user terminals until the stop condition is satisfied, (see par. 0051, the message instructs the client to either terminate broadcast or to forward the data to other clients), by any recipient user terminal that has received the distribution content including any of the primary destination terminals, determining one or more destination user terminals to which the distribution content will be distributed, the one or more destination user terminals

Art Unit: 2457

being selected from user terminals in a the buddy list of the recipient user terminal, in accordance with the distribution condition, and transmitting the distribution content from the recipient user terminal to the one or more destination terminal (see par. 0023; the client subsequently transfers the data to a second client 56).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the network of Lynch with the peer to peer connection of Yau. A person of ordinary skill in the art would have been motivated to do this to decrease the load on one central server computer (par. 0006).

3. As per claim 2, Lynch and Yau teach the information-distribution method set forth by claim 1, wherein distribution condition sent by the source user terminal to the computer includes an identifier of a primary user terminal (Lynch teaches network members selecting other network members; column 9, lines 16-67; column 10, lines 6-43).

4. As per claim 4, Lynch and Yau teach the information-distribution method set forth by claim 1, further comprising: recording stop-condition candidates that are alternatives for the stop distribution condition; and selecting at least one of the stop-condition candidates as the stop distribution condition by the source terminal (Lynch teaches when a network member is not authenticated, he is not allowed to join the network and share the information with other members;

Art Unit: 2457

column 7, lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59; back off rules including an expiration time; column 7, lines 46-50, lines 61-64; column 8, lines 15-26).

5. As per claim 5, Lynch and Yau teach the information-distribution method set forth by claim 4, wherein the stop-condition candidates include a maximum count of user terminals that distribute the distribution content (Lynch teaches the networks have rules dictating the number of users on each network; column 25 lines 39-67; column 26, lines 59; column 16, lines 55-67).

6. As per claim 6, Lynch and Yau teach the information-distribution method set forth by claim 4, wherein the stop-condition candidates include a depth-level restriction indicating path length between the source user terminal and user terminals to which the distribution content is distributed (Lynch teaches column 14, lines 14-29; the networks have rules dictating the number of users on each network; column 25 lines 39-67; column 26, lines 59; column 16, lines 55-67).

7. As per claim 7, Lynch and Yau teach the information-distribution method set forth by claim 4, further including:

receiving, from reporter-user terminals among the user terminals, status reports on user terminals (Lynch teaches the network friend determines if a network member is available or not; column 7, lines 6-59; column 8, lines 1-40;

Art Unit: 2457

column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59); and storing statuses of the user terminals as reported correlatively with user identifiers identifying the reporter-user terminals; wherein said the stop-condition candidates include a restriction of user terminals distributing the distribution content according to the corresponding status (Lynch teaches when a network member is not authenticated, he is not allowed to join the network and share the information with other members; column 7, lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59).

8. As per claim 8, Lynch and Yau teach the information-distribution method set forth by claim 4, wherein the stop-condition candidates include an expiration date for distributing the distribution content (Lynch teaches when a network member is not authenticated, he is not allowed to join the network and share the information with other members; column 7, lines 6-59; column 8, lines 1-40; column 10, lines 44-67; column 13, lines 23-50; column 14, lines 14-29; column 16, lines 60-67; column 26, lines 15-59).

9. As per claim 9, Lynch and Yau teach the information-distribution method set forth by claim 1, wherein: the distribution content contains a request of a user operating the source user terminal; and said distribution-condition-accepting step includes accepting a fulfillment condition that serves as a judgment criterion for

Art Unit: 2457

judging whether or not the request has been met (Lynch teaches authenticating network members based on tokens or log-on; column 27, lines 10-52).

10. As per claim 10, Lynch and Yau teach the information-distribution method set forth by claim 9, comprising: storing fulfillment-condition candidates that are alternatives for the fulfillment conditions; and accepting a selection of at least one of the fulfillment-condition candidates (Lynch teaches authenticating network members based on tokens or log-on; column 27, lines 10-52).

11. As per claim 11, Lynch and Yau teach the information-distribution method set forth by claim 1, wherein: the distribution content contains a request by a user operating the source user terminal; the distribution-condition includes a fulfillment condition that serves as a judgment criterion for judging whether or not the request has been met, and if the fulfillment condition has been met, user terminals to which the distribution content has been distributed and/or the source user terminal receive a response to the request (Lynch teaches connecting a network member to a metanetwork for distributing information if a member is authenticated; column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

12. As per claim 12, Lynch and Yau teach the information-distribution method set forth by claim 11, further comprising: storing response candidates that are alternatives for the response; and selecting at least one of the response

Art Unit: 2457

candidates (Lynch teaches column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

13. As per claim 13, Lynch and Yau teach the information-distribution method set forth by claim 11, further comprising: storing response candidates that are alternatives for the response, and selecting at least one of the response candidates, wherein the response candidates include a response reporting, to user terminals to which the distribution content has been distributed and/or the source user terminal, that the fulfillment condition has been satisfied (Lynch teaches column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

14. As per claim 14, Lynch and Yau teach the information-distribution method set forth by claim 11, further comprising said: storing response candidates that are alternatives for the response, and accepting selecting at least one of the response candidates; wherein the response candidates include a response reporting to the source user terminal user identifiers identifying user terminals that have contributed to satisfying the fulfillment condition (Lynch teaches network members join based on availability; column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

Art Unit: 2457

15. As per claim 15, Lynch and Yau teach the information-distribution method set forth by claim 11, further including: storing response candidates that are alternatives for the response, and accepting selecting at least one of the response candidates, wherein the response candidates include a response reporting, to user terminals to which the distribution content has been distributed and/or the source user terminal, that the fulfillment condition for which has been satisfied (Lynch teaches column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

16. As per claim 16, Lynch and Yau teach the information-distribution method set forth by claim 11, further including: receiving a response from a user terminal to which the distribution content has been distributed; judging, based on the received response, whether or not the fulfillment condition has been satisfied; and if the fulfillment condition has been satisfied, executing the response to the user terminals to which the distribution content has been distributed and/or the source user terminal (Lynch teaches column 25, lines 24-67; column 26, lines 60-67; column 27, lines 10-54; column 29, lines 36-67; column 30, lines 1-64).

17. As per claim 17, Lynch and Yau teach the information-distribution method set forth by claim 1, receiving, from setter-user terminals among the user terminals, settings as to receiving conditions that serve as criteria for judging whether or not to receive the distribution content; storing the receiving conditions correlatively with user identifiers identifying the setter-user terminals; judging,

Art Unit: 2457

prior to transmitting the distribution content, whether or not the receiving conditions for user terminal to selected to receive the distribution content; and transmitting the distribution content if the receiving conditions are satisfied according to the judging (Lynch teaches column 16, line 16-49; column 39, lines 23-67).

18. As per claim 18, Lynch and Yau teach the information-distribution method set forth by claim 1, further including: receiving, from setter-user terminals among the user terminals, settings as to forwarding conditions that serve as criteria for judging whether or not to transmit to some or all of the destination user terminals the distribution content; storing the forwarding conditions correlatively with user identifiers identifying the setter-user terminals; judging, whether or not the forwarding conditions are satisfied for a destination user terminal to which the distribution content has been distributed are satisfied; ending distribution for the destination terminal for which the forwarding conditions are not satisfied according to the judging (Lynch teaches column 16, line 16-49; column 39, lines 23-67).

19. As per claim 19, Lynch and Yau teach the information-distribution method set forth by claim 1, further comprising: judging whether or not the destination user terminals include any user terminals to which the distribution content has already been transmitted, so that the distribution content is transmitted only to

Art Unit: 2457

the destination user terminals to which the distribution content has not already been transmitted (Lynch teaches column 16, line 16-49; column 39, lines 23-67).

20. As per claim 20, Lynch and Yau teach the information-distribution method set forth by claim 1, further including: storing incentive criteria for determining incentives offered to user terminals having received and/or transmitted the distribution content; and offering, to the user terminals having received and/or transmitted the distribution content, incentives in accordance with the incentive criteria (Lynch teaches column 16, line 16-49; column 39, lines 23-67).

21. As per claim 21, Lynch and Yau teach the information-distribution method set forth by claim 1, further comprising: grouping at least one other user identifiers in the buddy list, if more than one, and storing them group-by-group correlatively with group names, wherein the distribution condition includes identicalness or similarity between associations of the group names; and said judging whether or not a group name stored correlatively with a source user identifier is identical with or similar to a group name designated by the distribution condition, and determining a user terminal stored correlatively with a group name judged to be an identical or similar user terminal to be a destination terminal to which the distribution content is distributed (Lynch teaches column 16, line 16-49; column 39, lines 23-67).

Art Unit: 2457

22. As per claim 29, Lynch and Yau teach an information-distribution method for a system

including a computer and user terminals connected via a network, the information-distribution method including:

providing distribution content to be distributed and a stop distribution condition to the computer by a source user terminal among the user terminals (Lynch teaches back off rules including an expiration time; column 7, lines 46-50, lines 61-64; column 8, lines 15-26);

determining one or more destination terminals to which the distribution content is distributed by the computer based on a buddy list corresponding to the source terminal, transmitted by the source terminal with the distribution content (Lynch teaches a network member; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51; column 15, lines 6-56; Figure 8, Figure 12);

first transmitting the distribution content from the computer to the one or more second terminals (Lynch teaches determining which network member receives certain information and transferring that information to that user, either directly or through a network friend; column 14, lines 49-59; column 40, lines 15-52; column 41, lines 24-62; column 42, lines 1-27);

iteratively, until the stop condition is met (column 14, lines 49-59; column 40, lines 15-52; column 41, lines 24-62; column 42, lines 1-27);

determining one or more destination terminals to which the distribution content to be distributed by any recipient terminal who has received the

Art Unit: 2457

distribution content ((Lynch teaches back off rules including an expiration time; column 7, lines 46-50, lines 61-64; column 8, lines 15-26); and

distributing the distribution content from the recipient terminal to the one or more destination terminals, (Lynch teaches determining which network member receives certain information and transferring that information to that user, either directly or through a network friend; column 14, lines 49-59; column 40, lines 15-52; column 41, lines 24-62; column 42, lines 1-27).

23. As per claim 30, Lynch and Yau teach an information-distribution method for a system including a computer and user terminals connected via a network, the information-distribution method including: distributing a distribution content provided by a first user terminal to the computer, to one or more second user terminals identified on a buddy list as corresponding to the first user terminal (Lynch teaches a network member; column 6, lines 1-67; column 8, lines 41-63, column 21, lines 28-40; column 22, lines 15-25; column 32, lines 10-51; column 15, lines 6-56; Figure 8, Figure 12); and distributing the distribution content from user terminals that received the distribution content to one or more user terminals identified in buddy lists of the respective user terminals until a stop distribution condition provided by the first terminal is met, wherein any user terminal that distribution content determines the one or more user terminals to which to distribute the content (Lynch teaches determining which network member receives certain information and transferring that information to that user, either directly or through a network friend; column 14, lines 49-59; column 40, lines 15-

Art Unit: 2457

52; column 41, lines 24-62; column 42, lines 1-27; back off rules including an expiration time; column 7, lines 46-50, lines 61-64; column 8, lines 15-26).

24. Claims 22, 23 and 24 have similar limitations as to claims 1, 29, and 30.

Therefore, they are rejected under the same rationale.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968))

Response to Arguments

25. Applicant's arguments filed December 12, 2008 have been fully considered but they are not persuasive. The applicant argues that the references fail to teach "a user terminal (recipient) who receives the content determines the one or more user terminals to whom the content is delivered next". The examiner respectfully disagrees. As recognized by the applicant on page 12 of the Remarks, the servers that are to receive the content are first specified by the source of the data to the distribution coordinating server 51 (recipient), which instructs a recipient where to send content next (see par 0022 and Fig. 1 of Yau).

26. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Each recipient user terminal determines one or more destination user

Art Unit: 2457

terminals, the one more destination user terminals are not specified by the source) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHERA HALIM whose telephone number is (571)272-4003. The examiner can normally be reached on M-F from 8:30-5:00.

Art Unit: 2457

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sahera Halim
Patent Examiner

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457